S.B.Cr.Misc. Bail Appli. No.4886/2007

(Deepak Soni vs. State of Rajasthan)

Date of order : October 01, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Talat Bari, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

The petitioner seeks anticipatory bail under section 438 Cr.P.C. for the offence under section 420 and 406 I.P.C. and section 3 of the SC & ST (Prevention of Atrocities) Act, 1989 (for short `the Act' hereinafter). Section 18 of the Act takes away the power of section 438 Cr.P.C. for the offences enumerated in the Act. In the circumstances, therefore, the bail application under section 438 Cr.P.C. is not maintainable.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

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